

### **REMARKS**

Responsive to the final Office Action mailed 12 August 2010 and with an extension of time of THREE MONTHS, the Petition and fee therefore being filed herewith, the present paper is timely filed contemporaneously with a Request for Continuing Examination under 37 C.F.R. § 114 on or before 20 February 2011.

By the present paper, no claim is cancelled and claims 31, 32, and 92 are amended. Entry of the Request for Continuing Examination, entry of the claim amendments, and reconsideration of the Application are respectfully requested.

#### **The Claim Amendments**

Claim 31 is amended to recite that the weight ratio of pourable sodium soap to substrate is about 2:1 to 10:1. Support for the amendment can be found in the specification at, for example, paragraph [0052].

Claim 32 is amended to correct an obvious typographical error.

Claim 92 is amended to recite that the pourable sodium soap is impregnated substantially throughout the interior of the substrate. Support for the amendment can be found in the specification at, for example, paragraph [0016].

#### **Claim Rejections Under 35 U.S.C. § 112, Paragraph First**

Claims 93 - 98 were rejected under 35 U.S.C. § 112, ¶1 because the process limitations are allegedly not supported in the specification. Because the Office applies the written description requirement in an improperly rigid and narrow way, Applicants respectfully traverse.

The standard for sufficiency of written description is “whether the disclosure of the application relied upon reasonably conveys to those skilled in the art that the inventor had possession of the claimed subject matter as of the filing date.” *Ariad Pharmaceuticals, Inc., v. Eli Lilly and Company*, 598 F.3d 1336, 1351 (Fed. Cir. 2010) (underscore supplied). The specification need not recite the claimed invention *in haec verba*. *Id.* at 1352. Applicants need not demonstrate that they were in physical possession of each and every possible embodiment of the invention.

Applicants respectfully submit that the process steps are generally recited at least at paragraphs [0053] to [0055] and [0062]; and that the tables provide copious

disclosure of the permutations of the ingredients that can be used in the process. Moreover, the “semiboiled” and “cold” processes for making soap were well known at the time the invention was made.

Because the specification reasonably conveys that Applicants were in possession of the claimed subject matter, Applicants respectfully submit that the rejection is improper and should be withdrawn.

Claim 13 was rejected under 35 U.S.C. § 112, ¶1, because the range 7 - 19% for sodium cocoate salt is allegedly not supported in the specification (emphasis in Office Action). The limitation is supported at least in claim 13 as filed. Applicants therefore respectfully submit that the rejection is improper and should be withdrawn.

#### **Claim Rejections Under 35 U.S.C. § 103**

Claims 5 -7, 13 - 20, 22 - 38, 92<sup>1</sup>, and 99-102 were rejected under 35 U.S.C. § 103 as allegedly obvious over Michelle G. Reuven, U.S. 5,960,506 (Reuven) in view of Marjorie McManus, U.S. 6,187,728 (McManus). Because the Office mischaracterizes the teachings of Reuven and therefore overlooks an important difference between the claimed invention and the applied art, Applicants respectfully traverse.

Reuven discloses a pumice scrubbing pad comprised of aggregated filaments. A “scrubbing coating” is provided on the outer surface of the filaments. The scrubbing coating includes a soap. Reuven at 1:51-58; 3:42-44. There are open spaces in the pad between filaments. Reuven at 2:59, 3:52.

In contrast, the claimed embodiment of Applicants’ inventive personal cleansing pad is comprised of fibers in which the sodium soap is impregnated substantially throughout, occupying interstitial spaces between the fibers, and is not just coated on the fibers. *See, e.g.*, paragraphs [0015] and [0016].

In particularly preferred embodiments of Applicants’ inventive personal cleansing pad, the ratio of soap to pad (substrate) is  $\geq 2:1$  (claim 31) or, even more preferably, about 7:1. Applicants respectfully submit that Reuven could not possibly teach or suggest such a structure.

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<sup>1</sup> It is assumed that claim 92 was inadvertently omitted from the recitation in the first line of section 6, page 4, of the Office Action.

McManus discloses a two-part personal cleansing product: a stand-alone “core” of a soap enclosed in a cover of foamed polymer. For purposes of the present traversal only, Applicants assume, *arguendo*, that the soaps of McManus *may* be similar to some soaps useful in the practice of Applicants’ invention.

Applicants’ inventive personal cleansing pad unexpectedly produces lather in hard as well as soft water. As Applicants disclose at paragraph [0065] of their specification, this unexpected property is related to the combination of the soap used and the structure of an impregnated pad. Combining McManus with Reuven neither teaches nor suggests a personal cleansing pad in which the substrate pad is impregnated with a sodium soap. Moreover, there is no reasonable basis to conclude that using any soap that may be disclosed in McManus in the scrubbing coating on the filaments of the open pad of Reuven would yield a product that produced lather in hard as well as soft water. A key aspect of the patentability of Applicants’ invention lies in the surprising and unexpected property of the claimed personal cleansing pad impregnated with a specific type of soap to produce foam in both hard and soft water. This property is demonstrated through comparative testing in the Declaration of Eric Jungermann, Ph.D., previously submitted.

For at least the foregoing reasons, Applicants respectfully submit that the rejection of claims 5 -7, 13 - 20, 22 - 38, 92, and 99-102 is improper and should be withdrawn.

As discussed above, claims 31 and 32 require that the ratio of the weight of the soap to the weight of the substrate is at least 2:1. There is no reasonable basis to conclude that the weight of the soap in the scrubbing coating (which includes four other components in undisclosed proportions) on the filaments of the pad of Reuven is at least twice the weight of the filaments themselves. Reuven, alone or in combination with McManus, neither teaches nor suggests a personal cleansing pad impregnated with a sodium soap in which the ratio of the weight of the soap to the weight of the substrate is at least 2:1. For this additional reason, Applicants respectfully submit that the rejection of claims 31 and 32 is improper and should be withdrawn.

**Conclusion**

Based on the foregoing amendments and remarks, Applicants respectfully submit that the claims are now in condition for allowance, which allowance is earnestly solicited.

If, in the opinion of the Examiner, a telephone conference would advance prosecution of the Application, the Examiner is invited to telephone the undersigned attorney.

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Respectfully submitted,  
Louis C. Paul & Associates, PLLC



By:

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Louis C. Paul (Reg. No. 53,442)

Louis C. Paul & Associates, PLLC  
150 East 58<sup>th</sup> Street, 34<sup>th</sup> Floor  
New York, NY 10155  
Tel – 212.223.8200  
Fax – 212.223.8259